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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,415

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Shing Chi Tsang

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EXAMINER

VESRA, DINESH K

ART UNIT

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4136

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,415	<b>Applicant(s)</b> TSANG, SHING CHI	
	<b>Examiner</b> Dinesh Vesra	<b>Art Unit</b> 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2 November 2005 &amp; 22 March 2006</u> .                     | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the weather seals of claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "200" (page 5, line 1) and "201" (page 5, line 4) have both been used to designate a ring beam. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "101" has been used to designate both left sidewall (page 5, line 31) and base frame (page 6, line 9). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: sidewall (102a) (page 5, lines 15-16), rear side (103) (page 5, line 16), and right side (102) (page 5, line 17). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, lines 7-8 recite "that is isometry" which appears to be an error. For examination purposes, it will be assumed that this line is meant to read "that is isometric".

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. As best understood, Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (US Patent 6,581,337) in view of Dawson (US Patent 5,865,006).**

With regards to claim 1, Skov et al. discloses a garden building (10 – Fig. 1) comprising a base frame (12 - Fig. 9) comprising base ring beams (22a, 22b) that are connected together to form an enclosed frame of a polygonal shape; a plurality of sidewalls (Fig. 10) comprising a plurality of wall panels (70); at least one door (16 - Fig. 1) mounted at one side of the building; a top frame (128 – Fig. 12) having an enclosed polygonal shape that is isometric with the base frame, with top frame comprising a pair of opposing side ring beams (128), side ring beams being connected together by at least one pair of triangular frames (152) spanning the ends of said side ring beams; and at least on pair of roof pieces (110 - Fig. 15) supported on inclining sides of said triangular frames. Skov et al. does not disclose a plurality of dowels extending from opposed ends of each wall panel. Dawson discloses a plurality of dowels (16 – Fig. 8) extending from the end of a wall block. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to include the dowels on the ends of the wall blocks to opposed ends of the wall panels of Skov et al. in view of the teachings of

Dawson. The motivation for doing so would be to allow for quick and sturdy assembly of the wall panels to the base frame.

Regarding claim 2, the combination of Skov et al. and Dawson disclose wherein said base frame is rectangular and the length and width of the base frame corresponds to the length and width of the garden building (Fig. 9 - Skov et al.).

With respect to claim 3, the combination of Skov et al. and Dawson disclose wherein the base ring beams, side ring beams, and a first one of the triangular frames located at the sidewalls of the garden building have matching holes located therein (12-15 - Fig. 8 - Dawson). At the time of the invention it would have been obvious to a person of ordinary skill to combine the holes with the ring beams and triangular frames of Skov et al. in view of the teaching of Dawson. The motivation for doing so would be to allow for a receiving aperture for the dowels on the ends of the wall panels to complete the assembly of the garden building.

With regards to claim 4, the combination of Skov et al. and Dawson disclose wherein the door (16 - Fig. 1 - Skov et al.) comprises a plurality of door panels covering an opening in the sidewalls, whereof the opening comprises a side of the garden building that has no side panel (see Fig. 1).

Regarding claim 5, the combination of Skov et al. and Dawson disclose wherein the base side and top ring beams whether associated with the base frame (12 – Fig. 9 – Skov et al.) or the top frame (100 – Fig. 12 – Skov et al.) are connected to ring beams next to them to form the base frame or top frame.



With respect to claim 6, the combination of Skov et al. and Dawson disclose wherein the opening is on a front side of the garden building (16 – Fig. 1 - Skov et al.)

Regarding claim 7, the combination of Skov et al. and Dawson disclose the combination of Skov et al. and Dawson disclose including weather seals between adjacent side panels and between side panels and ring beams; and wherein triangular frames are sealed with weather seals (Skov et al. – column 5, lines 24-26).

With regards to claim 8, the combination of Skov et al. and Dawson disclose wherein the frames of each roof have a plurality of dowels which are inserted into holes on the inclining sides of the triangular frames. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to rearrange the dowels and holes to also be included in the roof panels and triangular frame, respectively, in order to allow for quick and sturdy assembly of the roof, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to claim 9, the combination of Skov et al. and Dawson disclose including a ridge capping (112 – Fig. 18 – Skov et al.) connected to the tops of the peaks of the triangular frames.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-

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5221. The examiner can normally be reached on Monday - Thursday 7:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. V./  
Examiner, Art Unit 4136

/J. Allen Shriver/  
Supervisory Patent Examiner, Art Unit 4136